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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069.223	11/22/2002	Matthew Alexander Clarke	11696.0047	1819

7590

08/29/2006

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EXAMINER

TAVERAS, SINITHRO M

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 08/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/069,223	Applicant(s) CLARKE ET AL.	
	Examiner S. Miguel Taveras	Art Unit 2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-21 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-21 is/are allowed.
- 6) ☒ Claim(s) 9-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/22/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over international application W0 94/28684 to Palmgren et al. (herein after Palmgren) in view of US Patent 5,995,833 to Zicker.

Regarding claim 9, Zicker discloses a method in which a cellular service is provided to passengers aboard a plane while the plane is outside of normal cellular service areas (Abstract and Fig. 1). Zicker also discloses reducing, in response to interference above a desired level between the second zone and a land based cellular node, the effective range of coverage of the second zone; wherein said reducing does not change the area covered by the first cellular coverage zone (Col. 10 lines 45-67, Col. 11 lines 1-13, Fig. 2; putting the A-side cell site in passive mode wouldn't effect the coverage of B-side's cellular coverage. B-side would have to be independently put in passive mode).

Palmgren discloses a system similar to that of Zicker in which, the system is capable of providing cellular service aboard a ship (10), comprising: providing first (internal signal transmission) and second cellular (external signal transmission) coverage zones, the first zone being substantially confined to an interior of the ship and the second zone providing an effective range of coverage above-deck or outside the ship (10) (Page 11 lines 4-18, Abstract and Fig. 1);

Zicker and Palmgren are analogous art because they are from a similar problem solving area, providing mobile communicating means to passengers while removed from normal service areas.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the disclosed features of Palmgren in the system of Zicker.

The suggestion/motivation for including mobile communicating means in a ship and to have to coverage zones would be so that passengers could be provided cellular service capabilities without interfering with higher priority aircraft/ship systems (Col. 6 lines 27-44)

Regarding claim 10, Zicker as modified by Palmgren discloses the method of claim 9, wherein said reducing the effective range of coverage lowers the interference to below the desired level (Col. 6 lines 27-44, Col. 9 lines 59-67 and Col. 10 lines 1-9; both sides are capable of operating at minimal levels to keep interference below a level that would disrupt aircraft/ship systems).

Regarding claim 11, Zicker as modified by Palmgren discloses the method of claim 10, further comprising: suspending the provision of cellular service in the second zone in response to the interference exceeding the desired level regardless of said reducing; and continuing cellular service in the first zone during said suspending (Col. 13 lines 51- 58 and 62-67; just prior to

Art Unit: 2632

landing/docking when systems communications would be needed the most B-side or A-side service could be suspended (passive mode) the other zone would remain in service unless individually suspended).

Allowable Subject Matter

4. Claims 12-21 are allowed.

Claims 12-21 are allowed over the prior art of record because a search does not detect the combined claimed elements as set forth in claims 12-21.

As recited in independent claims 12 and 20 none of the prior art of record teaches or fairly suggests a ship (or equivalent) containing two effective ranges of coverage for mobile communications, capable of maintaining and suspending functions of communication when inside or outside two respective distances as claimed.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patents 5073972, 5210786, 5444762, 5557656, 5832380, 5842132, 5946618, 5995833, 6032041, 6108539, 6128468, 6269243, 6741841 and 6834188 all show the general state of the art relating to mobile communications in a enclosed facility such as an airplane or boat.

US PG PUBs 2002/0142717 and 2002/0045444 and World intellectual document WO 9428684 also show the general state of the art relating to mobile communications on a boat or airplane.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to S. Miguel Taveras whose telephone number is (571) 270-1136. The examiner can normally be reached on Monday-Friday from 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz F Jules can be reached on 571-272-6681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SMT
8/22/06

Supervisory Patent Examiner
Frantz Jules

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